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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,292	06/26/2001	Brad A. Armstrong	28	4333

7590

09/28/2004

Brad A. Armstrong  
P.O. Box 2048  
Carson City, NV 89702

EXAMINER
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CHOW, DOON Y

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 09/28/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/893,292

**Applicant(s)**

ARMSTRONG, BRAD A.

**Examiner**

Dennis-Doon Chow

**Art Unit**

2675

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-230 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-230 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-25, drawn to a graspable member has button sensor means, classified in class 345, subclass 161.
  - II. Claims 26-55, 97-116, 146, and 149-159, drawn to a first member movable on at least two axes, a second member moveable on at least two axes, classified in class 345, subclass 156.
  - III. Claims 56-71, drawn to controlling three-dimensional objects, classified in class 345, subclass 419.
  - IV. Claims 72-88, drawn to receiving a break-over tactile feedback, classified in class 345, subclass 702.
  - V. Claims 89-96, drawn to a method of manufacturing an image controller, classified in class 200, subclass 6R.
  - VI. Claims 117-125, drawn to controlling a three-dimensional image with a signal from an image controller, classified in class 345, subclass 156.
  - VII. Claims 126-130, drawn to four bi-directional proportional sensors and four unidirectional proportional sensors, classified in class 345, subclass 156.
  - VIII. Claims 131-137 and 164, drawn to a stick input member, button members and rotatable member, classified in class 345, subclass 161.
  - IX. Claims 138-145, 147-148, 160-163, drawn to a first and second member movable on three-dimensional axes, classified in class 345, subclass 156.

- X. Claims 165 and 181-185, drawn to a rotatable platform has a plurality of sensors, classified in class 345, subclass 161.
- XI. Claims 166-175, 186-192 and 220, drawn to a controller, for controlling three dimensional images, having a first four sensors, and eight sensors , classified in class 345, subclass 156.
- XII. Claims 176-180, drawn to sensing a forward, back, left, right, up and down movement, classified in class 345, subclass 156.
- XIII. Claims 193-194, 204-205 and 221-230, drawn to at least twelve sensors, classified in class 345, subclass 156.
- XIV. Claims 195 and 206-214, drawn to a first, second, third, and fourth rotary potentiometer, classified in class 345, subclass 184.
- XV. Claims 196-203, drawn to receiving six proportional signals, classified in class 345, subclass 156.
- XVI. Claims 215-219, drawn to a first, second, third and fourth variable resister, classified in class 345, subclass 156.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I to XVI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Mr. Brad Armstrong on September 23, 2004, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 703-305-4398. The examiner can normally be reached on 8:30-6:00, Alternate Monday off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Chow  
September 24, 2004

  
**DENNIS-DOON CHOW**  
**PRIMARY EXAMINER**